



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 9, 2022

By Electronic Mail
Prompt Reply Necessary

SantoLubes, LLC
Attn: John Pezzillo, Chief Executive Officer
8 Governor Drive
Saint Charles, MO 63301
Email: jpezzillo@santolubes.com

Re: Pierson's Creek Superfund Site – Newark, New Jersey
Request for Information Pursuant to 42 U.S.C. §§ 9601-9675

Dear Mr. Pezzillo:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or the "Superfund law"), 42 U.S.C. §§ 9601-9675.

This letter seeks the cooperation of SantoLubes, LLC ("SantoLubes"), a Missouri limited liability company, in providing information relating to the contamination of the Pierson's Creek Superfund Site ("Site") located in Newark, New Jersey, and any information that may assist EPA in its investigation of the Site. EPA has documented the release and threatened release of hazardous substances, pollutants, and contaminants at the Site. Under Section 104(e)(2) of CERCLA, EPA has broad information gathering authority, which allows EPA to require persons to provide information and/or documents relating to, among other things, materials generated, treated, stored, or disposed of at, or transported to a facility as well as the nature and extent of a release of a hazardous substance or pollutant or contaminant at or from a facility. EPA may also request information pertaining to the ability of a person to pay for or perform a cleanup. Additional information about the Superfund law may be found at <https://www.epa.gov/superfund/superfund-cercla-overview>.

Upon information and belief, SantoLubes acquired Prentiss Drug and Chemical Company, Inc. ("Prentiss") in approximately 2008. In the enclosed Request for Information, EPA seeks information regarding the acquisition of Prentiss by SantoLubes and its current relationship with Prentiss. EPA also believes that your company may possess information pertaining to the former Prentiss facility located at 338 Wilson Avenue, Newark, New Jersey. Specifically, EPA seeks information concerning the generation, storage, treatment, transportation, and disposal methods of potential hazardous substances at the former Prentiss facility.

We encourage you to give this matter your immediate attention. A complete and truthful response to the attached Request for Information should be provided **within 30 days** of your receipt of this letter.

While EPA seeks your cooperation in this investigation, compliance with this Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A. When you have prepared your response to the Request for Information, please sign the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law (18 U.S.C. § 1001). In addition, CERCLA Section 104(e) authorizes EPA to pursue penalties for failure to comply with Requests for Information. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information from EPA upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions Section in Attachment A, including the requirement for supporting your claim of confidentiality.

Please further note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by our information request, it is necessary you promptly notify EPA. If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

See the enclosed Instructions for information on how to respond to the enclosed questions. If you are able to send your response to this Request for Information by electronic mail, please send electronic copies (PDF or JPEG) to Pamela Tames and Amelia Wagner at the e-mail addresses below. Hard copies of your response should be mailed to:

Pamela Tames, P.E., Remedial Project Manager
Superfund and Emergency Management Division
U.S. Environmental Protection Agency, Region 2
290 Broadway - 19th Floor
New York, NY 10007-1866
tames.pam@epa.gov

with a copy to:

Amelia Wagner, Assistant Regional Counsel
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway - 17th Floor
New York, NY 10007-1866
wagner.amelia@epa.gov

If you have any questions regarding this Request for Information, or if you wish to discuss this matter

further, please contact Ms. Tames at (212) 637-4255 with technical questions or Ms. Wagner at (212) 637-3141 with legal questions. Please note that all communications from attorneys should be directed to Ms. Wagner.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

ERIC
WILSON

Digitally signed by ERIC
WILSON
Date: 2022.11.10
08:21:07 -05'00'

Eric J. Wilson, Deputy Director
Enforcement and Homeland Security
Superfund and Emergency Management Division

Attachments

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. In answering the questions, every source of relevant information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All relevant documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of the company should be consulted.
2. A complete and separate response should be given for each question. For each question contained in this letter, if the information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
3. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, email address, phone number and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with its addresses. If anything is omitted from a document produced in your response to the Request for Information, state the reason for and the subject matter of the omission.
9. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be specific.
10. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.

11. Sign the Certification of Answers to Request for Information where indicated.
12. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F).

If you make a claim of confidentiality for any of the information you submit to EPA, you must address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. The period of time for which the confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. Measures taken by you to guard against the undesired disclosure of the information to others;
- d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and
- f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and/or PDF file and all materials for which you desire confidential treatment are in another envelope and/or PDF file.

All confidentiality claims are subject to EPA review. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e)(7) and EPA's pre-disclosure notification procedures. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you. EPA provides no assurances that all information that you assert as confidential business information will not be publicly disclosed. Any determination regarding public disclosure will be based on a review of the information and relevant countervailing factors.

B. Definitions

1. As used herein, the terms **“company”** or **“your company”** refer not only to SantoLubes, LLC, a Missouri limited liability company, as it is currently named and constituted, but also to all predecessors or successors in interest and all subsidiaries, divisions, affiliates and branches of your company and all of its predecessors or successors in interest. The term “company” is not limited to corporations.
2. The terms **“disposal,” “hazardous waste”** and **“storage”** shall have the meanings contained in Sections 1004(3), (5) and (33) of Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.
3. The term **“document”** and **“documents”** shall include any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in the company’s possession, custody, or control or known by the company to exist, including originals and all non-identical copies.
4. The terms **“facility,” “hazardous substance”** and **“person”** shall have the meanings set forth in Sections 101(9), (14), and (21) of CERCLA, 42 U.S.C. §§ 9601(9), (14), and (21) respectively.
5. The term **“identify”** means, with respect to a natural person, to set forth the person’s name, present or last known employer, business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term **“identify”** means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
6. The term **“material”** or **“materials”** shall include any and all objects, goods, substances, or matter of any kind, including, but not limited, to wastes.
7. The term **“Newark Facility”** refers to the facility located at 338 Wilson Avenue in Newark, New Jersey (Block 5038, Lot 70), where the Prentiss Drug and Chemical Company, Inc. operated.
8. The term **“pollutant or contaminant”** shall have the same definition as that contained in Section 101(33) of CERCLA and includes any mixtures of such pollutants or contaminants with any other substances.
9. As used herein, the term **“Prentiss”** refers to Prentiss Drug and Chemical Company, Inc. and its successor(s) in interest as it is currently named and constituted.
10. The term **“release”** shall have the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
11. As used herein, the term **“SantoLubes”** refers to SantoLubes, LLC, a Missouri limited liability company.

12. As used herein, the term “**SantoLubes, LLC (DE)**” refers to SantoLubes, LLC, a Delaware limited liability company with a mailing address of P.O. Box 6740, Spartanburg, SC 29302.
13. As used herein, the term “**SantoLubes Manufacturing, LLC (DE)**” refers to SantoLubes Manufacturing, LLC, a Delaware limited liability company with a mailing address of P.O. Box 6740, Spartanburg, SC 29302.
14. As used herein, the term “**SantoLubes Manufacturing, LLC (MO)**” refers to SantoLubes Manufacturing, LLC, a Missouri limited liability company.
15. The term “**Site**” shall mean the Pierson’s Creek Superfund Site, which includes Pierson’s Creek and all tributaries to Pierson’s Creek, and the Troy Chemical Corporation property located at One Avenue L in Newark, New Jersey. The Site is located in Newark, NJ, in the vicinity of Avenue L and proceeds through open drainage ditches and culverts and covered pipes until it discharges into the Port Newark slip of Newark Bay. While the Creek originates in the vicinity of Avenue L, it collects drainage from storm drains and culverts north of Avenue L.
16. The term “**you**” shall mean the addressee of this Request for Information, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

- 1) Please answer the following questions with respect to SantoLubes:
 - a) State the legal name of the company.
 - b) State the name and address of the president or the chairman of the board, or other presiding officers of the company.
 - c) Identify the state of incorporation of the company and the company's agent for service of process in the state of incorporation and in New Jersey.
 - d) State whether SantoLubes is a subsidiary or affiliate of another entity or has been acquired and/or merged with another corporate entity. If SantoLubes is a subsidiary of another entity, please provide a chart that details the corporate relationship between SantoLubes through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" is the corporate entity that, while owning or controlling the majority of shares of common stock in a subsidiary corporation, is not primarily owned or controlled by another corporation. Please identify the name of each entity in the chart. For each related entity, describe the relationship to SantoLubes and indicate the date and manner in which each relationship to each entity was established. Additionally, please provide the name of and address of the president(s) or the chairman(s) of the board, or other presiding officers who have knowledge of the relationship between SantoLubes and the related corporate entity.
 - e) Please describe the relationship, if any, between your company and SantoLubes, LLC (DE).
 - f) Please describe the relationship, if any, between your company and SantoLubes Manufacturing, LLC (DE).
 - g) Please describe the relationship, if any, between your company and Vantage SantoLubes Acquisition, LLC.
- 2) Describe in detail SantoLubes' past and current relationship with Prentiss and the Newark Facility.
- 3) Has SantoLubes acquired ownership of or any other interest in Prentiss? If yes:
 - a) State the date on which SantoLubes acquired such ownership or other interest in Prentiss. Please submit copies of all documents relating to SantoLubes' purchase of Prentiss, including, but not limited to, an asset purchase agreement and an indemnification agreement.
 - b) If SantoLubes acquired ownership of or an interest in Prentiss, please fully describe the nature of the sale and/or transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets, and submit documentation of such transaction, if not already provided in response to question 3(a), including any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.

- c) Has SantoLubes sold or otherwise divested itself of any stock, assets, or other interest in Prentiss since it acquired Prentiss?
 - d) Has SantoLubes ever invoked or activated any indemnification agreements associated with the sale of Prentiss' assets? If so, please describe the circumstances surrounding each attempt to activate the indemnification agreement, the current status of each attempt and, for any attempt that was resolved, its final resolution.
- 4) Is SantoLubes the successor to any liabilities of Prentiss, including those under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA"), with respect to the Newark Facility of the Site? If "yes," please state whether SantoLubes is the successor to all of Prentiss' liabilities or only to specified liabilities. Please list any specific liabilities. If "no," please identify the current successor to Prentiss' CERCLA liability, if any, with respect to the Newark Facility and the Site.
- 5) Please provide all agreements or contracts, including but not limited to insurance policies, which may indemnify SantoLubes, and its present or past owners, operators, partners, and/or shareholders, with respect to any liability they are found to have under CERCLA for releases and threatened releases of hazardous substances at the Site.
- a) In responding to this request, please provide not only those insurance policies and agreements currently in effect, but also those that were in effect from the date your company began operations at, or acquired ownership of, the Newark Facility to the present.
 - b) If you have not retained such policies but have information concerning them, please provide the following information: i) the name and address of the insurance company; (ii) policy number/account; (iii) the type of coverage provided under each policy; (iv) the commencement and expiration dates for each policy; (v) whether or not the policy contains a "pollution exclusion" clause; and (vi) whether the policy covers or excludes sudden, non-sudden or both types of accidents.
- 6) Please describe all present and past relationships between SantoLubes and Prentiss and each of the entities listed below. Please state whether there ever was a merger, consolidation, sale, or transfer of assets between Prentiss and each of the listed entities. For each such transaction, please describe the transaction in detail, including dates, and list the complete legal names of the entities created, renamed, merged, or dissolved through such transactions. For each transaction, which entity retained or assumed liabilities of the prior entity? Please provide documentation of any agreements, express or implied, for each of the companies listed below to assume Prentiss' liabilities, including Prentiss' liability under CERCLA.
- a) Envincio, LLC
 - b) Wellmark International
- 7) Please describe Prentiss' operations at the Newark Facility. Provide descriptions of all manufacturing processes conducted by Prentiss at the Newark Facility, including all products manufactured there and the years in which each process was conducted.

- 8) Did Prentiss ever receive, utilize, manufacture, discharge, release, store or dispose of any materials containing the following substances at the Newark Facility:
- a) 1, 1- Dichloroethane (Yes/No)?
 - b) 1, 1, 1- Trichloroethane (Yes/No)?
 - c) 2, 3, 7, 8 – tetrachlorodibenzo-p-dioxin (Yes/No)?
 - d) Other dioxin compounds (Yes/No)?
 - e) Aldrin (Yes/No)?
 - f) Antimony (Yes/No)?
 - g) Arsenic (Yes/No)?
 - h) Benzene (Yes/No)?
 - i) Cadmium (Yes/No)?
 - j) Chromium (Yes/No)?
 - k) Chlordane (Yes/No)?
 - l) Dichloro-diphenyl-trichloroethane (DDT) (Yes/No)?
 - m) Dieldrin (Yes/No)?
 - n) Ethyl benzene (Yes/No)?
 - o) Iron (Yes/No)?
 - p) Lead (Yes/No)?
 - q) Lindane (Yes/No)?
 - r) Manganese (Yes/No)?
 - s) Mercury (Yes/No)?
 - t) Naphthalene (Yes/No)?
 - u) Other volatile organic compounds (VOCS) (Yes/No)? If “Yes,” please list the specific compounds.
 - v) Other semi-volatile organic compounds (SVOCs) (Yes/No)? If “Yes,” please list the specific compounds.
 - w) Pentachlorophenol (Yes/No)?
 - x) Perfluorooctanoic acid (PFOA) (Yes/No)?
 - y) Perfluorooctanesulfonic acid (PFOS) (Yes/No)?
 - z) Other Per- and polyfluoralkyl substances (PFAS) (Yes/No)?
 - aa) Polyaromatic Hydrocarbons (PAHs) (Yes/No)? If “Yes,” please list the specific compounds.
 - bb) Polychlorinated biphenyls (PCBs) (Yes/No)? If “Yes,” please list the specific Aroclors or other formulations.
 - cc) Silver (Yes/No)?
 - dd) Toluene (Yes/No)?
 - ee) Total Petroleum Hydrocarbons (TPH) (Yes/No)?
 - ff) Vinyl Chloride (Yes/No)?
 - gg) Xylene (Yes/No)?
 - hh) Zinc (Yes/No)?

If you answered “yes” to any of the substances listed in 8(a)-(hh), please also identify the quantity, calculated per year, of each such hazardous substance received, utilized, manufactured, discharged, released, stored, disposed of, or otherwise handled.

- 9) Describe any methods of collection, storage, treatment, and disposal of all hazardous substances, pollutants or contaminants at the Newark Facility utilized by Prentiss, including, but not limited to, the substances identified in your response to question 8.

- 10) Were any hazardous substances, pollutants, or contaminants, including, but not limited to, the substances identified in your response to question 8, above, disposed of in or discharged to Pierson's Creek including its tributaries? If "yes," identify the substances, estimate the amount of material discharged to or disposed of in Pierson's Creek including its tributaries, the location of the discharges/disposals, and the frequency with which such discharges or disposals occurred. Also, please include the results of any sampling of Pierson's Creek or its unnamed tributaries which may have been conducted after any discharge or disposal.
- 11) Please identify any leaks, spills, explosions, fires or other incidents of accidental discharge that occurred during Prentiss' operations at the Newark Facility and that resulted in any hazardous substances, pollutants or contaminants including, but not limited to, the substances identified in your response to question 8, being released at the Newark Facility, into the wastewater or storm drainage system at the Newark Facility, or to Pierson's Creek including its unnamed tributaries. Provide any documents or information relating to these incidents, including the ultimate disposal of any contaminated materials. If available, please provide the results of any sampling of the soil, water, air or other media after any such incident and before and after clean-up.
- 12) If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- 13) Have there ever been any civil, criminal, or administrative proceedings against SantoLubes and/or Prentiss for violations of any local, state, or federal laws or regulations relating to water pollution or hazardous waste generation, storage, transport, or disposal at or from the Newark Facility? If "yes," please provide details about any proceedings. If available, please provide copies of all pleadings and depositions or other testimony given in these proceedings.
- 14) Provide the name, address, telephone number, title, and occupation of the person(s) answering this Request for Information and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to the Request for Information and specify the question to which each person assisted in responding. Please include the names and addresses of former employees who were contacted to respond to any of the questions.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of perjury that I am authorized to respond on behalf of SantoLubes, LLC, I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that SantoLubes, LLC is under a continuing obligation to supplement this response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me or SantoLubes, LLC after submitting this response.

Executed on _____, 2022

NAME (print or type)

TITLE (print or type)

SIGNATURE